

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM S. MCLAURINE, II)
Plaintiff,)
v.)
CITY OF AUBURN, ALABAMA,) 3:06-cv-1014-MEF
unnamed police DISPATCHER)
deputy director BENJAMIN WALKER,)
Officer LAVARRO BEAN,)
Lieutenant MATTHEWS, Lieutenant)
KEITH HOWELL, Chief FRANK)
DEGRAFFENRIED, DAVID WATKINS,)
director "BILL" JAMES, and city)
manager CHARLES DUGGAN,)
Defendants.)

DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR WITHDRAWAL

COME NOW the Defendants and in response to Plaintiff's motion for voluntary dismissal request the dismissal of this suit with prejudice. In support, Defendants show unto the Court Plaintiff's Motion was filed after Defendants submitted a motion for summary judgment and Plaintiff, in his motion, admits he cannot "in good faith sustain a credible case" due to deficiencies in several enumerated items which include evidence, fact and law.

Alternatively, in the event the Court grants the motion without prejudice, Defendants request that it be specifically stated that Plaintiff's Motion for Withdrawal does not in any way toll nor extend the limitation period during which suit could be filed.

/s/ *Randall Morgan*

RANDALL MORGAN [MOR037]

Attorney for Defendants City of Auburn,
Alabama, Benjamin Walker, Officer Lavarro
Bean, Lieutenant Matthews, Lieutenant
Keith Howell, Chief Frank DeGraffenried,
David Watkins, "Bill" James, and Charles
Duggan

OF COUNSEL:

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& Black, P.C.
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CERTIFICATE OF SERVICE

I hereby certify that on this the 25th day of May, 2007, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following via email:

William S. McLaurine, II
222 Tichenor Avenue, Apt. #4
Auburn, Alabama 36830

/s/ *Randall Morgan*

OF COUNSEL